

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

LENA ANN STONECIPHER,

Plaintiff,

v.

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

Case No. 1:20-cv-00609-HBK

ORDER GRANTING PLAINTIFF'S MOTION  
FOR ATTORNEY'S FEES AND COSTS  
UNDER THE EQUAL ACCESS TO JUSTICE  
ACT

(Doc. No. 23)

Pending before the Court is Plaintiff's motion for attorney fees filed September 29, 2021. (Doc. No. 23). Plaintiff seeks attorney's fees in the amount of \$2,600.00 and \$400.00 in costs under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. (*Id.*).

On September 23, 2021, this Court granted the parties' Stipulation for Voluntary Remand pursuant to Sentence Four of 42 U.S.C. § 405(g) and reversed and remanded the case to the Commissioner for further administrative proceedings. (Doc. No. 21). The Clerk entered judgment in favor of Plaintiff the same day. (Doc. No. 22). Plaintiff, the prevailing party, now requests an award of fees. *See* 28 U.S.C. § 2412(a) & (d)(1)(A); Fed. R. Civ. P. 54(d)(1); *see* 28 U.S.C. § 1920; *cf. Shalala v. Schaefer*, 509 U.S. 292, 300-02 (1993) (concluding that a party who wins a sentence-four remand order under 42 U.S.C. § 405(g) is a prevailing party).

The Commissioner stipulates to the requested relief. (Doc. No. 23 at 1). Before issuing the award of EAJA fees and costs, the United States Department of the Treasury will determine

1 whether Plaintiff owes a debt to the government. (*Id.* at 2). If Plaintiff has no discernable federal  
2 debt, the government will accept Plaintiff's assignment of EAJA fees and pay the fees directly to  
3 Plaintiff's counsel, Lawrence D. Rohlfing. (*Id.*).

4 Accordingly, it is **ORDERED**:

5 1. Plaintiff's motion for attorney's fees (Doc. No. 23) is **GRANTED**.

6 2. Plaintiff is awarded fees and costs in the total amount of \$3,000.00 (three thousand  
7 dollars). Unless the Department of Treasury determines Plaintiff owes a federal debt, the  
8 government must pay the fees to Plaintiff's counsel in accordance with Plaintiff's assignment of  
9 fees and subject to the terms of the stipulated motion.

10  
11 Dated: September 30, 2021

  
HELENA M. BARCH-KUCHTA  
UNITED STATES MAGISTRATE JUDGE